

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RUI TONG, WEIJIAN TANG,	:	
YA-TANG CHI a/k/a/ Tom Chi,	:	
CHUAN GENG,	:	CIVIL ACTION
KUN YANG, and	:	
JUNYI XIE	:	NO. 17-1073
<i>on behalf of themselves and</i>	:	
<i>others similarly situated</i>	:	
v.	:	
	:	
HENDERSON KITCHEN INC.	:	
d/b/a Pinwei Restaurant,	:	
CHAO HSIUNG KUO	:	
a/k/a Gary Kuo, and	:	
YENG-LUNG KUO	:	

ORDER

AND NOW, this 12th day of October, 2018, upon consideration of Defendants' Motion to Dismiss Counts I, II, V, VI, and VII of Plaintiffs' Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 18.), and all documents submitted in support thereof and in opposition thereto, it is **ORDERED** that Defendants' Motion is **GRANTED** in part and **DENIED** in part as follows:

1. Defendants' Motion is **GRANTED** as to the minimum wage claims of all named Plaintiffs except Chaun Geng, and Counts I and II of the Amended Complaint are **DISMISSED** without prejudice except as to Plaintiff Geng.

2. Defendants' Motion is **DENIED** as to Plaintiffs' claims of illegal tip retention asserted in Counts V and VI of the Amended Complaint.

3. Defendants' Motion is **GRANTED** as to Plaintiffs' claims alleging violation of the Pennsylvania Wage Payment and Collection Law ("WPCL"), 43 Pa. Stat. Ann. §§ 260.1-260.45, and Count VII of the Amended Complaint is **DISMISSED** without prejudice.

IT IS SO ORDERED.

BY THE COURT:

A handwritten signature in dark ink, appearing to read "R. Surrick", is written over a faint, circular, light-gray watermark or seal. The signature is cursive and somewhat stylized.

R. BARCLAY SURRICK, J.